

STATE OF WASHINGTON  
GAMBLING COMMISSION

|  |   |                               |
|--|---|-------------------------------|
| In the Matter of the Revocation of the     | ) |                               |
| License to Conduct Gambling Activities of: | ) | NO. CR 2011-00288             |
|  | ) |                               |
| Long T. Pham                               | ) | <b>FINDINGS, CONCLUSIONS,</b> |
| Maple Valley, Washington,                  | ) | <b>DECISION, AND FINAL</b>    |
|  | ) | <b>ORDER IN DEFAULT</b>       |
| Licensee.                                  | ) |                               |

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THE MATTER of the revocation of the license to conduct gambling activities of Long T. Pham having come before the Commission on May 13, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Long T. Pham license number 68-16035, authorizing Card Room Employee activity, formerly at Golden Nugget Casino in Tukwila. This license expired on April 30, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On March 17, 2011, Director Rick Day issued administrative charges to Long T. Pham, by certified and regular mail. The administrative charges notified Mr. Pham that failure to respond would result in the entry of a default order revoking his license. Mr. Pham did not respond to the charges.

By not responding, Long T. Pham waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) On February 16, 2011, Long T. Pham held a license issued by the State and cheated while playing Emperor's Challenge Pai Gow at the Silver Dollar Casino in Renton. Mr. Pham cheated by resetting his cards after the dealer had already revealed his cards, and as a result, won \$200.

2) Mr. Pham engaged in an act, practice, or course of operation while participating in a gambling activity with the intent of cheating a participant or the operator (Silver Dollar Casino) to gain an advantage in the game over the participant or operator, and that operated as fraud or deceit upon Silver Dollar Casino.

3) Mr. Pham's actions demonstrate that he poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and

activities in the conduct of gambling activities. His actions also violate RCW 9.46.1961 (Cheating in the First Degree) and RCW 9.46.190 (Fraud).

4) Previously in January 2004, the Director issued administrative charges against Mr. Pham for cheating while working as a dealer (CR 2003-05136). In September 2004, an Administrative Law Judge issued an Initial Order revoking Mr. Pham's license. Mr. Pham filed a Petition for Review to the Commission, and in February 2005, the Commissioners suspended Mr. Pham's license for 30 days.

5) The licensee has failed to prove he is qualified for licensure as required in RCW 9.46.153 and grounds exist to revoke Long T. Pham's license under RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).

**RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein. (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization: (The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

**RCW 9.46.1961 Cheating in the First Degree**

(1) A person is guilty of cheating in the first degree if he or she engages in cheating<sup>1</sup> and: (a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or (b) Holds a

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<sup>1</sup> **RCW 9.46.196 Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.

(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section the court may impose an additional penalty of up to twenty thousand dollars.

**RCW 9.46.190 Violations relating to fraud or deceit**

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation: (The following subsections apply.)

(1) Employ any device, scheme, or artifice to defraud; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

**RCW 9.46.153(1) Applicants, licensees-Responsibilities, and duties-Waiver of liability-Investigation statement as privileged.**

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

V.

**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Long T. Pham's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.


**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Long T. Pham's Card Room Employee license to conduct gambling activities is REVOKED.

DATED this 13 day of May, 2011.

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JOHN ELLIS, Chair

  
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KEVEN ROJECKI, Vice Chair

  
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MIKE AMOS

  
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MICHAEL REICHERT

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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